

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Reverend Franklin C. Reaves; Fannie Melette, Lee) Civil Action No. 4:04-22206-TLW-TER
Melette, Lawan Melette, Betty Davis, Dr.)
Treadwell Campbell, Patricia Bennett, Bessie)
Woodbury, Sarah Burch, Vestena Reaves, McRoy)
Barr, Susan Crawford, Saura M. Fladger, Violet M.)
Wade, Nettie M. Mason, Luther Smith, Jr., Yvonne)
Harps, Ellison Alford, Sr., Maeo Bidgman, Bertha)
McClellan, Elease Smith, Ida Pee, Betty C. Pernell,)
Ann M. Pompey, Bettie M. Jones, James A. Jones,)
Lewis D. Foxworth, Walter Fore, Rhonda Y. Fore,)
Derrick B. Weeks, Michael E. Baker, Patsy R.)
Posch, Nancy L. Smith, Virginia Ellerbee, Jimmie)
L. Allison, Rosemary Nelson, Ella C. White, Hattie)
B. James, Ernestine G. Reaves, Willie Miles, Lillie)
Belle Williams, Melvina Wade, Ray VonHodge,)
Charles Miles, Kay Ron Pitts, Helissa Sem, Elease)
Leonard, Jimmie H. Moore, Joannie Moore,)
Nathaniel Gerald, Walton Trorot, George L.)
Williams, Sarah E. Crawford, Charles L. Brown,) ORDER
Deloris Crawford, David Fore, Mary Gilchrist, Linda)
Phillips, Anthony Legette, Rosena Nelson, Mary)
Miles, Terry Grant, Leon Grant, Willie L. Page,)
Lenneau Adams, Sharon Adams, Deloris K. Shaw,)
Diane B. McCall, Denise E. Burgess, Lenatrye)
Mullins, Olena Reed, Delores M. Williamson,)
Xiomara L. Ayarza, Jerry Mason, Jean T. Grant,)
Wilbert L. Grant, Esther S. Brunson, Susanne Grant,)
Tommesenia Floyd, Frances S. Huggins, Esther)
Rogers, Patricia Singletary, Elizabeth Torres, April)
Rogers, Wendy Rogers, Derrick Davis, Revanish)
Woodberry, Kenny Rogers, and Mollie Ceasar,)
)
Plaintiffs,)
)
-vs-)
Ulysses S.G. Sweeney, Willie Smith, Tom Moore,)
Marion County Election Commission, South)
Carolina Democratic Party, South Carolina)
Election Commission and The State of South)
Carolina,)
)
Defendants.)
)

This action has been filed by the plaintiffs, who are proceeding *pro se*. This matter is now before the undersigned for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Thomas E. Rogers, III, to whom this case had previously been assigned pursuant to 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2) (D.S.C.). In his Report, Magistrate Judge Rogers recommends that the plaintiffs’ complaint be dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure; and that defendants’ motion for sanctions and motion for summary judgment be granted, and this case be dismissed for the reasons set forth in these motions as well. The Report was filed on March 13, 2007.¹ Plaintiffs were advised that any objections to the Report were due no later than March 30, 2007, at 5:00 p.m. No objections to the Report have been filed.

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge’s Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. No objections have been filed to the Report. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

A review of the record indicates that the Report accurately summarizes this case and the applicable law. In light of no objections to the Report and the analysis therein, **THEREFORE, IT IS HEREBY ORDERED** that the Magistrate Judge’s Report is **ACCEPTED** (Doc. # 93) and

¹An earlier Report was filed in this action on February 12, 2007, recommending dismissal pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. (Doc. # 85). Plaintiffs filed objections to the Report on February 28, 2007, in which they assert that the “Defendants have failed to file a petition for removal from the State court to United States district court, nor serve Plaintiffs with process of service, therefore, this Court lacks jurisdiction pursuant to Rule 81(c) of Federal Rules of Civil Procedure.” (Doc. # 90). This Court chose to remand the case back to the Magistrate Judge for consideration of this filing by plaintiff. The instant report followed.

plaintiffs' complaint is **DISMISSED** pursuant to Rule 41(b) of the Federal Rules of Civil Procedure; and defendants' motion for sanctions (dismissal) (Doc. # 64) and motion for summary judgment (Doc. # 72) are **GRANTED**, and this case is **DISMISSED**, without objection to the Report, for these reasons.

IT IS SO ORDERED.

s/ Terry L. Wooten

**TERRY L. WOOTEN
UNITED STATES DISTRICT JUDGE**

March 30, 2007
Florence, South Carolina